



DELTA STEWARDSHIP COUNCIL
A California State Agency

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P. Joseph Grindstaff

RE: Council Comments to the Department of Pesticide Regulation on the Proposed Pyrethroid Pesticides Regulatory Action (DPR Regulation No. 11-004)

Dear Ms. Irokawa-Otani:

On October 28, 2011, the California Department of Pesticide Regulation proposed regulations that require businesses using pyrethroid pesticides in urban settings to follow new rules governing where and how pyrethroid pesticides can be applied. The Delta Stewardship Council has reviewed the proposed regulations and submits these comments.

Our review focused on assessing the consistency of the proposed regulations with provisions of the Delta Reform Act. In general, the Act calls for the Delta Stewardship Council to develop a legally enforceable Delta Plan to achieve the coequal goals of protecting and enhancing the Delta ecosystem and providing for a more reliable water supply for California (achieved in a manner that protects and enhances the Delta as an evolving place.) Inherent in the coequal goals is the objective to "improve water quality to protect human health and the environment consistent with achieving water quality objectives in the Delta." (Water Code Section 85020(e)) The Delta Plan must also promote several characteristics of a healthy Delta ecosystem, including "reduced threats and stresses on the Delta ecosystem" (Water Code Section 85302(c)). The Council recognizes DPR's commitment to meeting these objectives through its state-mandated role of protecting human health and the environment by regulating pesticide sales and use and by fostering reduced-risk pest management. As such, DPR's work is of primary importance to the Delta Stewardship Council.

The Council applauds DPR for moving ahead with these regulations. As DPR notes in their Notice of Proposed Regulatory Action, if pesticides reach surface water at certain concentrations, they can cause toxicity to aquatic organisms. The most recent (Fifth) Staff Draft Delta Plan discusses the potential impacts pyrethroids may have to aquatic organisms in the Bay-Delta and Central Valley and identifies pesticides as contributing to the impairment of the Delta ecosystem. The Council recommends that the State and Regional Water Quality Control Boards accelerate the completion of the Central Valley

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Pesticide Total Maximum Daily Load and Basin Plan Amendment for pyrethroids. DPR's proposed regulations will complement this recommendation and reduce stress on the Delta ecosystem by improving water quality consistent with the coequal goals and the Delta Plan's objectives.

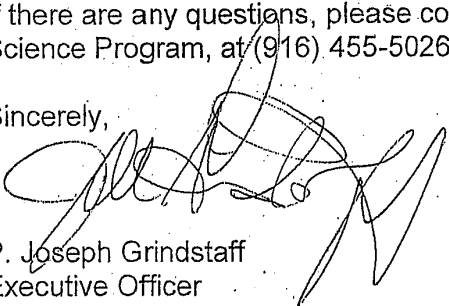
Regarding DPR's implementation of the proposed regulations, the Council requests that DPR follow the best available science and adaptive management approach required by the Delta Reform Act and described in the Delta Plan. The Delta Reform Act requires the use of science-based, transparent, and formal adaptive management strategies for ongoing ecosystem restoration and water management decisions (Water Code section 85308(f)). The Fifth Staff Draft Delta Plan describes a nine-step adaptive management framework for proposed covered actions involving ecosystem restoration and water management actions. DPR should fully document an adaptive implementation approach that includes the following:

- Clear goals, quantified objectives, and performance measures
- Conceptual models that link the proposed actions to the objectives, addressing the anticipated effects of the proposed pyrethroid regulations on endangered species, water and sediment quality, and the Bay-Delta ecosystem while considering pesticide applicator responses to the changed regulation
- Metrics that will be used to evaluate how well the actions are achieving intended outcomes
- A full monitoring, evaluation, assessment, and reporting plan

We look forward to working with you on implementation of the proposed pyrethroid regulations and on development and implementation of the Delta Plan.

If there are any questions, please contact Lauren Hastings, Deputy Executive Officer, Science Program, at (916) 455-5026.

Sincerely,



P. Joseph Grindstaff
Executive Officer